



Dated: February 08, 2018
The following is SO ORDERED:


David S. Kennedy
UNITED STATES CHIEF BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

IN RE:

Donal Martin McDonagh
& Michele Rawls McDonagh

Case No. 12-27642- DSK

Debtor(s)

Chapter 13

AGREED ORDER REGARDING LOCAL PROPERTY TAXES

BY CONSENT OF THE PARTIES, it appears to the Court that Debtors and the Shelby County Trustee ("Shelby County") have agreed to entry by this Court of this order that provides as follows:

1. The effect of Shelby County's October 24, 2017, withdrawal (Doc. 150) of Shelby County's November 18, 2014, amendment to Ch. 13 Trustee Claim No. 6 ("Ch. 13 Trustee Claim No. 6"), also known as Court's Claim # 1, is that said Ch. 13 Trustee

Claim No. 6, as originally filed July 24, 2012, for \$30,198.76, shall be treated as if said Ch. 13 Trustee Claim No. 6 had never been amended.

2. Shelby County currently has on-hand a surplus of \$18,337.51 as a result of the following:

- a. Plan payments Shelby County received from the Ch. 13 Trustee on Ch. 13 Trustee Claim Nos. 6, 31, 32 and 33 for Shelby County property taxes assessed against Real Estate Tax Parcel ID # G0231S0D000060 (“Real Estate Tax Parcel ID # G0231S0D000060”) at 2416 Sanders Ridge Ln, Germantown, TN 38138-6144; and
- b. Payment Shelby County received outside of the plan from WestVue NPL Trust (“WestVue”) for Shelby County property taxes assessed against Real Estate Tax Parcel ID # G0231S0D000060 for tax years 2013, 2014, and 2015,

3. Shelby County shall retain or disburse said \$18,337.51 as follows:

- a. Shelby County shall retain \$1,757.99 as reimbursement to Shelby County for \$1,757.99 which Shelby County, through administrative error, used from its funds to pay (1.) \$1,382.49 to the City of Germantown for 2010 City of Germantown real estate taxes assessed by the City of Germantown against Real Estate Tax Parcel ID # G0231S0D000060 and (2.) \$375.50 fees charged by Shelby County to City of Germantown for Shelby County’s collection of said \$1,382.49.
- b. Shelby County shall retain \$7,947.86 as payment-in-full of the taxes and

interest owed for the post-petition 2016 Shelby County real estate taxes now due and owing in connection with the Real Estate Tax Parcel ID # G0231S0D000060.

- c. Shelby County shall disburse the remaining balance of \$8,631.66 to the Chapter 13 Trustee for appropriate disbursement by the Chapter 13 Trustee to Debtors' unsecured general creditors.

APPROVED BY CONSENT:

/s/ Elijah Noel, Jr.
Elijah Noel, Jr. (BPR #8655)
Delinquent Tax Attorney
Shelby County Trustee's Office
157 Poplar Ave., 3rd Floor
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(901) 525 -1455

Attorney for Shelby County Trustee

/s/ James D. Gentry
James D. Gentry, (BPR #020776)
Gentry Arnold, PLLC
5100 Poplar Ave., Suite 600
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(901) 591-8800

Attorney for Debtors Donal Martin McDonagh & Michele Rawls McDonagh

/s/ George W. Stevenson
George W. Stevenson
Chapter 13 Trustee
5350 Poplar Avenue, Suite 500
Telephone: (901) 821-2400

cc: All Interested Parties
Parties Requesting Notice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on or about the date of electronic filing of this document a true and accurate copy of the foregoing electronically filed pleading was served on the parties listed below by U.S. Mail, first class postage prepaid, unless said party is a registered CM/ECF participant who has consented to electronic notice, unless the Notice of Electronic Filing indicates notice was electronically mailed to said party.

Ch. 13 Trustee
Attorney for Debtor
All Other Parties listed on Matrix

/s/ Elijah Noel, Jr.
Elijah Noel, Jr